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11 Attorneys for Plaintiffs

12 **IN THE UNITED STATES DISTRICT COURT**

13 **FOR THE DISTRICT OF ARIZONA**

14 IN RE BARD IVC FILTERS PRODUCTS  
15 LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

16 Kim Hepler, an individual,

Civil Action No.: 2:16-cv-00630-PHX-DGC

17 Plaintiff,

**NOTICE OF FILING AMENDED  
COMPLAINT**

18 v.

19 C.R. Bard, Inc., a corporation, and Bard  
20 Peripheral Vascular, Inc., an Arizona  
21 corporation,

22 Defendants.

23 Pursuant to Local Rule of Civil Procedure 15.1(b), Plaintiff Kim Hepler respectfully  
24 submits her Notice of Filing First Amended Complaint. Attached as Exhibit A is a copy of the  
25 amended complaint that indicates in what respect it differs from the original complaint. The  
26 Defendants do not oppose Plaintiff's filing of this Notice or the First Amended Complaint.

27 *(Signature block on next page)*

1  
2 RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of April, 2016.

3 LOWE LAW GROUP

4  
5 By /s/ Nathan Buttars  
6 Nathan Buttars  
7 Jonathan Peck  
8 6028 S. Ridgeline Drive, Suite 203  
9 Ogden, UT 84405  
10 *Attorneys for Plaintiff(s)*

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that on this 27<sup>th</sup> day of April, 2016, I electronically transmitted the  
13 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a  
14 Notice of Electronic Filing.

15  
16 /s/ Nathan Buttars  
17 Nathan Buttars  
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# EXHIBIT A

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9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ARIZONA**

12 IN RE BARD IVC FILTERS PRODUCTS  
13 LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

14 **FIRST AMENDED SHORT FORM**  
15 **COMPLAINT FOR DAMAGES FOR**  
16 **INDIVIDUAL CLAIMS**

17 Plaintiff(s) named below, for their Complaint against Defendants named below,  
18 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

19 Plaintiff(s) further show the Court as follows:

20 1. Plaintiff/Deceased Party:

21 Kim M. Hepler

22 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
23 consortium claim:

24 Michael A. Hepler

25 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):  
26 \_\_\_\_\_  
27  
28

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

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6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

Middle District of Florida

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☒ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

06/20/2013

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

X Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

X Count VIII: Negligent Misrepresentation

X Count IX: Negligence *Per Se*

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable Florida Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

X Count XV: Loss of Consortium

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands trial by jury in this action of all issues so triable.

**LOWE LAW GROUP**

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